

Mar. 11, 1977

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

INTERNATIONAL BROTHERHOOD OF
POLICE OFFICERS, LOCAL 418,
CLAREMONT, NEW HAMPSHIRE

and

CITY OF CLAREMONT, NEW HAMPSHIRE
AND THE POLICE COMMISSION

CASE NO. P-0710

77-09

APPEARANCES

Representing the City of Claremont, New Hampshire:

Louie C. Elliott, Jr., Esquire, City Solicitor
Joseph R. Devine, Chief of Police
Joseph C. St. Pierre, Police Commissioner
Jerry Maxwell, City Manager
Charles P. Puksta, Mayor of Claremont

Representing the IBPO, Local 418:

David W. Downes, Esq. NAGE/IBPO, Boston, Mass.
Angela J. Maynes, President
David G. Young, Vice President

FINDINGS

On December 10, 1976, petition for certification as the exclusive representative for the employees of the Claremont Police Department was filed with PELRB. Petition, however, did not contain the individual signature cards as required by Section 1.2(c) of the Rules and Regulations of the Public Employee Labor Relations Board.

On January 28, 1977, a new petition, containing individual authorization cards representing the required percentage of employees of the Police Department was filed. Requested as a bargaining unit were all employees of the Department with the exception of the Chief and the part-time janitor.

The Public Employer, the City of Claremont, on February 8, 1977, filed exceptions to the petition requesting the exclusion of all management personnel; i.e., Chief, Deputy Chief, Lieutenant and Sergeants; and, all part-time personnel; i.e., Special Officers, Crossing Guards and Janitor.

A hearing was conducted by the Board on February 25, 1977 in Room 306 of the Legislative Office Building, North State Street, Concord, New Hampshire, to determine the bargaining unit for the Claremont, New Hampshire Police Department.

Testimony was offered on behalf of the Public Employer, City of Claremont, alleging that the Sergeants were supervisory individuals by nature and as such should be considered part of the management and policymaking staff.

Evidence presented was not sufficient to persuade the Board that the Sergeants' supervisory responsibilities should exclude them from a very definite community of interest with the regular police patrolmen of the Department. There appeared to be a very definite self-felt community of interest with the patrolmen evidenced by the Sergeant offering testimony.

A definite lack of community of interest however was evidenced in the case of the crossing guards with the regular police officers in the Department. The working conditions and other factors involving their employment would appear, without question, to preclude their mutual association.

The same can also be said of the Special Officers and the Janitor.

After hearing all of the evidence and testimony presented by both the Public Employer, City of Claremont, and the Public Employee, Local Union No. 418, International Brotherhood of Police Officers, the Board rules, as follows:

ORDER

The bargaining unit for the Claremont Police Department shall comprise all full-time police officers up to and including the rank of Sergeant. Excluded from the bargaining unit are the Chief, Deputy Chief, Lieutenants, and part-time personnel - Special Officers, Crossing Guards and Janitor.

Signed this 23rd day of March, 1977


Edward J. Haseltine, Chairman
Public Employee Labor Relations Bd.

Hearing date: February 25, 1977
Decision date: March 11, 1977

Note: Four members of the PELRB present at the March 11, 1977 hearing. Vote was unanimous. Absent was Board Member, Edward L. Allman.